

MINUTES OF ADJOURNED REGULAR MEETINGS OF
THE CITY COUNCIL AND THE REDEVELOPMENT AGENCY
OF THE CITY OF CHULA VISTA

June 10, 2003

6:00 p.m.

Adjourned Regular Meetings of the City Council and the Redevelopment Agency of the City of Chula Vista were called to order at 9:16 p.m. in the Council Chambers, located in the Public Services Building, 276 Fourth Avenue, Chula Vista, California.

ROLL CALL:

PRESENT: Agency/Councilmembers: Davis, McCann, Rindone, Salas, and
Chair/Mayor Padilla

ABSENT: Agency/Councilmembers: None

ALSO PRESENT: Executive Director/City Manager Rowlands, Agency/City
Attorney Moore, and City Clerk Bigelow

CONSENT CALENDAR

1. APPROVAL OF MINUTES OF May 20, May 27 and June 3, 2003

Staff recommendation: Council/Agency approve the minutes.

ACTION: Chair/Mayor Padilla moved to approve staff's recommendation and offered the Consent Calendar, heading read, text waived. Agency/Councilmember Davis seconded the motion, and it carried 5-0.

PUBLIC HEARINGS

2. CONSIDERATION OF ESTABLISHING DEVELOPMENT STANDARDS FOR PRECISE PLAN PCM-03-15 KNOWN AS BROADWAY URBAN VILLAGE CONSISTING OF 40 LANE HOMES AND NINE LOFT APARTMENTS ABOVE 9,000 SQUARE FEET OF COMMERCIAL SPACE; AND (2) TO CONSIDER, PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 33431 AND 33433, A DISPOSITION AND DEVELOPMENT AGREEMENT WITH CARTER REESE AND ASSOCIATES/BITTERLIN DEVELOPMENT CORPORATION FOR THE SALE, WITHOUT BIDDING PROCESS, OF THE REDEVELOPMENT AGENCY PROPERTY LOCATED AT 760 BROADWAY WITHIN THE SOUTHWEST REDEVELOPMENT PROJECT AREA

The development is a mixed-use project in the central commercial zoning district. The mitigated negative declaration and mitigation monitoring and reporting program have been prepared in accordance with requirements of the California Environmental Quality Act and the City's environmental review procedures. The project was evaluated in accordance with the goals and objectives of the Southwest Redevelopment Project Area and the General Plan relative to mixed-use development along Broadway. The Precise Plan would allow the project to be consistent with goals and objectives of the General Plan and the Chula Vista Municipal Code. (Community Development Director/Planning and Building Director)

PUBLIC HEARINGS (Continued)

Notice of the hearing was given in accordance with legal requirements, and the hearing was held on the date and at the time specified in the notice.

Community Development Principal Tapia presented the project proposal for 760 Broadway, including the project description, development profile, proposed site plan, and home and loft features. Environmental Project Manager Hellman presented the environmental determination, and Associate Planner Walker presented the public outreach and comment process and precise plan requirements.

Senior Assistant City Attorney Googins discussed the terms of the disposition and development agreement and joint escrow instructions for the sale of the property. He also asked that the proposed resolution be modified in paragraph three to state as follows: "The sale of the property is for not less than fair market value or the fair reuse value of the site. The property is being sold for \$1,350,000, which has been determined to constitute the fair market price for the site, as that term is referenced under Section 1720B of the California Labor Code. The fair reuse value of the site has been determined to be \$1,000,000."

Agency/Councilmember Salas asked if prevailing wage rates would be triggered if the property were not sold at fair market price. Senior Assistant City Attorney Googins responded that the City, as a charter city, and is not subject to the prevailing wage laws.

Chair/Mayor Padilla requested confirmation that the City possessed a reasonable mechanism and an independent external source to arrive at a reuse value, and thus the fair market value, for the use being anticipated under the precise plan. Senior Assistant City Attorney Googins responded that a private consultant engaged specifically for that purpose conducted the fair reuse analysis.

Agency/Councilmember Rindone asked if the driveway to the north would be the entrance, the driveway to the south the exit, and right turns only would be permitted onto Broadway. Associate Planner Walker responded that staff would discuss the matter with the developer. Deputy Mayor Rindone requested assurance from staff that any contaminated soil would be removed from the proposed project site. Community Development Principal Tapia responded affirmatively.

Agency/Councilmember Davis believed that right-turn only lanes were not necessary since there is a middle turn lane in that section of Broadway to allow turns in and out. Deputy Director of Engineering Al-Agha commented that one-way access to the project would restrict or discourage potential shoppers from entering the project.

Chris Bitterlin, representing Bitterlin Development, believed that the project was an excellent balance and large enough to transform the face of Broadway and encourage home ownership in the community.

Reese Jarret, representing Carter Reese Associates, felt that the proposed project would work well in the western sector of the City, and he emphasized the importance of home-ownership in the community.

PUBLIC HEARINGS (Continued)

Agency/Councilmember Rindone commended the developers on the creation of a project that would enhance the neighborhood by contributing to home-ownership and commercial opportunities, as well as by enhancing the ambiance in the Broadway corridor.

Agency/Councilmember Salas asked if there would be an opportunity for someone to purchase both retail and residential property in the development. Mr. Jarret responded that purchase opportunities are feasible but are not currently in the plans.

With no further members of the public wishing to speak, Chair/Mayor Padilla closed the public hearing.

Agency/Councilmember Davis commended the developers on the proposed project and commented on the positive aspect of home ownership.

Agency/Councilmember McCann congratulated staff and the applicant on a job well done. He added that the proposed project will assist in revitalizing the area, and he welcomed the developer to look for further opportunities within the City.

Agency/Councilmember Salas stated that the proposed project reflects the growing interest in private investment in the City.

ACTION: Agency/Councilmember Rindone offered Ordinance No. 2920 for first reading and Council Resolution No. 2003-261 and Agency Resolution No. 1826 for adoption, headings read, texts waived:

ORDINANCE NO. 2920, ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE MITIGATED NEGATIVE DECLARATION IS-03-016 AND PRECISE PLAN PCM-03-15 FOR THE MIXED-USE PROJECT KNOWN AS BROADWAY URBAN VILLAGE CONSISTING OF 40 LANE HOMES AND NINE LOFT APARTMENTS ABOVE 9,000 SQUARE FEET OF COMMERCIAL SPACE

COUNCIL RESOLUTION NO. 2003-261 AND AGENCY RESOLUTION NO. 1826, RESOLUTION OF THE CITY COUNCIL AND THE REDEVELOPMENT AGENCY OF THE CITY OF CHULA VISTA MAKING THE REQUIRED REDEVELOPMENT ACT FINDINGS AND APPROVING A DISPOSITION AND DEVELOPMENT AGREEMENT AND JOINT ESCROW INSTRUCTIONS WITH CARTER REESE AND ASSOCIATES/BITTERLIN DEVELOPMENT CORPORATION FOR THE SALE, WITHOUT BIDDING PROCESS, AND DEVELOPMENT OF THE REDEVELOPMENT AGENCY PROPERTY AT 760 BROADWAY WITHIN THE SOUTHWEST REDEVELOPMENT PROJECT AREA

The motion carried 5-0.

PUBLIC HEARINGS (Continued)

3. CONSIDERATION OF (A) A PARCEL REZONE FROM THE THOROUGHFARE COMMERCIAL PRECISE PLAN ZONE TO THE CENTRAL COMMERCIAL PRECISE PLAN ZONE AND A (B) PRECISE PLAN (PCM-03-21) TO ALLOW FOR A MIXED-USE PROJECT THAT INCLUDES: (1) 41 APARTMENTS AFFORDABLE TO LOW-INCOME SENIOR CITIZENS WITH ASSOCIATED SUPPORT SERVICES; (2) ONE MANAGER'S APARTMENT; (3) 2,219 SQUARE FEET OF RETAIL SPACE; AND (4) REDUCTIONS IN SETBACKS, PARKING AND OPEN SPACE LOCATED AT 825 BROADWAY TO BE DEVELOPED BY THE METROPOLITAN AREA ADVISORY COMMITTEE PROJECT

The Metropolitan Area Advisory Committee (MAAC) Project is a not-for-profit, social service agency that specializes in the development of housing for low-income individuals and families. MAAC Project is proposing a mixed-use project on a one-acre site located at 825-841 Broadway. (Community Development Director; Planning and Building Director) Continued from the meeting of June 3, 2003

Chair/Mayor Padilla opened the public hearing.

Senior Community Development Specialist Do presented the MAAC Project's "Seniors on Broadway" development, stating that the proposed project would consist of 41 units of affordable senior housing, 2,200 square feet of retail and commercial space, 6,100 square feet of community space, and that the entrance to the parking lot would be from the access road directly off Broadway. Associate Planner Walker discussed the various planning aspects of the project.

Sid Morris, a resident on Cedar Avenue, asked staff to elaborate on the results of the police traffic surveys conducted in the area of the proposed project. Senior Community Development Specialist Do replied that there were two separate occasions when three police officers were stationed at different locations; one officer on Sierra Way monitoring the school gate, one officer at the access road off Broadway, and one officer on K Street. The reports indicated significant activity on Sierra Way; little use of the access road; and normal circulation on K Street through the parking lot. She stated that the police officers went out again on the afternoon of June 10, 2003, and, over a half-hour time period, reported a 15-minute block of time when there were approximately 15 vehicles backed up from the access road onto Broadway until the school gates were opened. She added that staff would be meeting with the school district to discuss traffic issues.

Bobbie Morris challenged the environmental impact report on the proposed project and expressed concern with parking and traffic problems in the area, particularly in the alley. She believed that the school district and neighborhood needed more parking for parents and teachers and a better circulation plan for the drop-off and pick-up of students. She asked the Council to look closely at the proposed project, since she believed that the residents would have to live with any mistakes made.

PUBLIC HEARINGS (Continued)

Chair/Mayor Padilla requested that staff respond to the letter from Bobbie Morris, dated June 10, 2003, requesting justification for changing the zoning map, reducing on-site parking requirements, reducing open space, building encroachments into required setbacks, and the plan for parking on a no-parking side street. Associate Planner Walker responded that: 1) the commercial thoroughfare does not allow for mixed-use development, and the proposed site has been vacant for some time; 2) the correct parking space reduction is 8 rather than 5, as stated in the letter, and the ratio corresponds to that in other jurisdictions; 3) because the site is adjacent to the charter school playground area, the City has required, and received a letter of agreement between the MAAC Project and the Chula Vista Unified School District, the use of the playground area after hours for the public and residents; 4) the encroachment for the project is consistent with other commercial uses for the area; and 5) there are a couple of parking spaces on the south side of Sierra Way, two-hour parking on Broadway, and parking on K and J Streets. Staff's analysis of the maximum 45 on-site parking spaces for the proposed site indicates that the 29 deficient spaces out of the 74 required would be adequately met, since there is adequate parking on Broadway and other surface streets.

Mitch Thompson, representing the MAAC Project, stated that there is a dire need for additional housing in the community. The proposed project has no orientation toward Sierra Way; the commercial space requirement has been met and there will not be a parking problem associated with the proposed project; and, with reference to the open space sufficiency, residents want more indoor community space.

Agency/Councilmember Salas asked if a survey of residents in the Town Manor or a similar facility had been conducted to see what percentage own cars. She also suggested the possibility of parking the MAAC bus off-site, possibly on the school district property, on nights and weekends.

Deputy Director of Engineering Al-Agha reported that staff studied the number of trips that would be generated from the proposed project, and, as a result of the small project and the number of anticipated trips, it was determined that a full traffic impact analysis was not warranted. He also stated that peak-hour traffic occurs at different times for the school and residents, and therefore, staff did not believe there was a cumulative impact.

City Manager Rowlands stated that the traffic problems are a school issue, and the school is not following its own environmental impact report (EIR) for the school site. He stated that a meeting would be scheduled between the Police Department, City staff, and environmental staff of the school to ensure the enforcement of the EIR, which he believed would eliminate the stacking up of traffic on Sierra Way.

Agency/Councilmember Davis asked whether there were any plans to widen Sierra Way. Deputy Director of Engineering Al-Agha replied that there are no current widening plans.

Agency/Councilmember Rindone expressed the need to safeguard the quality of life for existing residents in the area.

PUBLIC HEARINGS (Continued)

Barbara Oliveira expressed concern about the traffic, stating that the peak hours for seniors are the same as those of the school. She suggested police enforcement in the area to regulate traffic and parking violations.

Sid Morris stated that the vast majority of residents were not aware of the proposed project, since they were not within 500 feet of the proposed project and were, therefore, not notified. He believed that the proposed plot was too small for the project.

Environmental Project Manager Hellman clarified that the environmental document prepared for the charter school in 2001 was not prepared for or adopted by the City, but by the elementary school district. The document did not contemplate any access, vehicular or pedestrian, on Sierra Way, only access off Broadway and K Street.

Agency/Councilmember Davis expressed concern about the encroachment of the balconies within the six-foot front setback.

Agency/Councilmember Salas commented that if the project is delayed, it might, in fact, not occur, since there is a funding deadline. She believed that it would be a greater social good to approve the project and that the associated problems could be mitigated.

Executive Director/City Manager Rowlands requested that a meeting be conducted between the City, school district, and Police Department, prior to the project's funding deadline, to resolve the issues.

Mayor Padilla commented on the essential need to bring projects forward sooner in the future to allow the Council time to discuss and mitigate issues.

ACTION: Agency/Councilmember Rindone moved to table the proposed project.
Chair/Mayor Padilla seconded the motion, and it carried 5-0.

ORAL COMMUNICATIONS

There were none.

OTHER BUSINESS

4. DIRECTOR'S REPORTS

There were none.

5. CHAIR/MAYOR REPORTS

There were none.

6. AGENCY/COUNCIL COMMENTS

There were none.

ADJOURNMENT

At 11:13 p.m., Chair/Mayor Padilla adjourned the meeting to the Regular Meeting of the Redevelopment Agency on June 17, 2003, at 6:00 p.m., immediately following the City Council meeting.

Susan Bigelow, CMC, City Clerk